



www.westfargond.gov

Larry M. Weil, Planning and Community Development Director  
Tim Solberg, Senior Planner  
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission  
September 8, 2014 at 7:00 P.M.  
West Fargo City Hall

Members Present: LeRoy Johnson  
Tom McDougall  
Terry Potter  
Scott Diamond  
David Zupi  
Eddie Sheeley  
Jerry Beck

Members Absent: Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Dustin Scott, Perry Leier, Jim Brownlee, Kevin Hall, Tony Paul, Patrick Vesey, Rhet Fiskness

The meeting was called to order by Chair McDougall.

Commissioner Potter made a motion to approve the August 11, 2014 meeting minutes as written. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A14-45 Conditional Use Permit for general warehousing and storage at 345 11<sup>th</sup> Street West (Lot 1, Block 1 of Westgo Commercial 5<sup>th</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant is building to accommodate an expanded service to his business and alongside this business proposes constructing a private cold storage building with additional lease space. General warehousing and storage buildings are considered conditionally permitted uses in the CM: Zoning District, which requires Planning and Zoning Commission and City Commission review.

A site plan was submitted showing the primary building of 3,500 ft<sup>2</sup> (35' x 100') building located on the east side of the property and the cold storage building of 1,440 ft<sup>2</sup> (24' x 60') on the west side of the property. The building meets required setbacks for CM zoning district.

Screening and buffering may not be required as the residential subdivision to the south established a buffer during the platting process. When the Westwynd 3<sup>rd</sup> and 4<sup>th</sup> Additions were approved, an established tree shelter belt was in place consisting of two or three rows of trees and a large hedge which provided effective screening from the industrial property. With a natural buffer in place, the City required a buffer easement be placed on the plat so it would be preserved.

Property owners within 350' were notified regarding the conditional use permit. Comments were received regarding drainage. On August 29, 2014 staff met with the developer, engineer and adjacent property owners on site to discuss the drainage issue. Staff believes that the issue is being resolved between the property owners and the developer.

It is recommended to approve the application on the basis that it is consistent with City plans and ordinances.

There were no comments from the public. The hearing was closed.

Commissioner Zupi asked about the buffering. Tim stated that he spoke with the affected neighbors and they don't have an issue with it. Larry stated that the residential lots are much deeper than most to accommodate the rows of plantings placed by

the original developer. During construction some of it was removed by contractors. A few years ago a letter was sent to the property owners informing them a buffer easement was in place and the buffer was there to protect the residential properties from the future industrial development. It was recommended to the property owners the trees and bushes be replaced.

Commissioner Sheeley made a motion to approve the request based on staff recommendations. Commissioner Zupi seconded the request. No opposition. Motion carried.

Chair McDougall opened public hearing A14-46 Conditional Use Permit for auto sales at 509 and 533 32<sup>nd</sup> Avenue West (Lots 2 & 3, Block 1 of Eagle Run Plaza 1<sup>st</sup> Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant would like to use the properties for auto sales and service. Auto service is a permitted use within the light commercial district whereas automobile sales is considered a conditional use. On December 2, 2013 a conditional use permit was approved for auto sales on Lot 2 and Lot 12; however, the applicant has since changed their plans and sold their interest in Lot 12.

A site plan was submitted showing the buildings, vehicle sales display area, customer parking, office space and service space. Building elevations show a new 50' x 50' sales building with 25' x 60' attached service department with three drive-through overhead doors on Lot 3 and the car lot on Lot 2. The proposed use would appear to be generally compatible with adjacent property and other property in the district, although issues of concern have been raised by a neighboring property owner that the use is not compatible with existing adjacent retail uses.

Property owners within 350' were notified regarding this request. Opposition to the proposed use has been received from a nearby property owner. The comments are provided as an attachment to the staff report and relate to the compatibility of the proposed use with existing uses of the Eagle Run Plaza and adjacent apartments. A letter from an adjacent business owner was also submitted and provided to commissioners this evening.

It is recommended to conditionally approve the application on the basis that it is consistent with City plans and ordinances. The conditions of approval include the following:

1. Building and site will be required to meet all applicable building code and zoning district regulations.
2. Building façade is consistent with Eagle Run Plaza.
3. Vehicles are not parked within 30' of the intersecting curbs on the corner of 6<sup>th</sup> Street West and 32<sup>nd</sup> Avenue West to allow for a safe sight triangle for traffic moving on both roadways.
4. Neighborhood concerns raised during public hearing are given due consideration prior to approval.

Chair McDougall asked about access. Tim stated there is no direct access onto 32<sup>nd</sup> Avenue. Access would be via a private drive which accesses 6<sup>th</sup> Street West.

Applicant Kevin Hall, representing H2G Eagle Run & principal for the auto sales, stated that originally they were going to put the repair business in the daycare building; however, they agreed to pull out of the building to allow for expansion of the daycare. They also removed the section prohibiting auto sales from the restrictive covenants. So the tenants were well aware of their intentions. On Friday, the daycare sent a letter objecting. He stated that they are withdrawing the request for a conditional use permit for auto sales at 509 32<sup>nd</sup> Avenue West and reserves the right to explain and clear the record after others speak.

Tony Paul, representing Eagle Run Plaza and West Lake apartments, stated that they objected because this will take up two lots instead of the one lot presented to the tenants. If the daycare had known, she wouldn't have expanded. Since July 1<sup>st</sup> they have put 4 tenants into the Eagle Run Plaza. A used car sales and service business will hinder development. They've built 245 apartment units to the SW and view this as a retail center for the neighborhood.

Mr. Hall stated that two lots vs. one made much more sense instead of keeping an auto repair shop in the daycare building and putting it closer to Sheyenne would hinder development, which is why they proposed placing the auto sales further to the west. The daycare never showed up last year when they made their original request. They've tried to cooperate, not cause problems. He stated that they signed up the tenants Mr. Paul is taking credit for.

Patrick Vesey, Westlake Apartments and Eagle Run Plaza, stated that the Planning and Zoning Commission denied a previous application, which the City Commission overturned. They're voicing concerns with this request and their tenants are opposed as well.

Mr. Hall stated that he finds it very hard to believe that they didn't know a car dealership was allowed. They negotiated with them and saw the change in the restrictive covenants removing car sales.

Mr. Vesey stated that he's not here to argue. They knew about the one lot, but didn't know they were expanding to two.

Tim stated that since Mr. Hall withdrew his application, there is nothing to vote on. They have approval on the one lot. Chair McDougall reiterated that a conditional use permit for auto sales was previously approved in December of 2013 for the west lot. He asked Mr. Hall if his withdrawal still stands. Mr. Hall stated yes. They'll place the auto sales on the west lot and a service business on the east lot.

There were no other public comments. The hearing was closed.

Chair McDougall opened public hearing A14-47 Planned Unit Development Amendment at 1215 19<sup>th</sup> Avenue East (Lot 2, Block 1 of Burlington Addition), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The applicant proposes to construct 7 townhouse style apartment units. The lot is triangular shaped and originally intended as an office/recreational facility for the Burlington development. The Burlington development did not develop as well as anticipated, resulting in lots being sold to different parties and changes to the original development plan.

As part of the area development repurposing, parts of the area have been replatted (Burlington 6<sup>th</sup> Addition and Burlington 7<sup>th</sup> Addition). The Times Square Way access to 19<sup>th</sup> Avenue East as shown on the site plan was relocated to the west. The vacated access drive should be removed and restored with grass for the application property.

The applicant submitted detailed development plans including site plan, building floor plans, and building elevations. The buildings are two-story, three-bedroom townhomes without basements. All units have attached double car garages with access from Burlington Drive. Lot coverage (maximum impervious surface area) is limited to 60 percent within the PUD District. Density is limited to 20 units per acre for three-bedroom units.

The site plan shows 7 units in a townhouse pattern. The front yard setback for the structure is shown as 25'. The side yard setback for the structure on the east side is shown as 34' from the lot line which is the center of Hampton Way, or 24' from the edge of the drive. The rear yard setback for the structure is 21.6' from the edge of the drive known as Broadway Way. The floor plans show eight units with 3 bedrooms, 3 bathrooms, kitchen, living/dining area, and patio. A maintenance area is shown at the end of one of the end units. Elevation plans show a two story structure with separate entrances for 8 units. Each unit has a two-stall garage and a maintenance area at the end of one of the units.

The proposed use should be consistent and compatible with the established and approved planned unit development. The proposed units are constructed in a configuration and exterior finish which is different from the neighboring units, though still a townhouse style structure. Ownership for the proposed units and units to the south is the same. A landscape plan for the PUD property should be submitted for as part of the permitting process.

Notices and maps were sent out to area property owners. No comments have been received to date. The development is served by a nearby park facility established as part of the original development.

It is recommended to conditionally approve the application on the basis that it is consistent with the City's Comprehensive Plan and City ordinance. Conditions for approval are as follows:

1. The proposed building is deemed to be in character with the neighboring multiple family structures in the Burlington development.
2. The site plan, floor plans, and elevation plans are revised to reflect the correct number of units.
3. A schedule is provided for construction and site improvements.

4. The vacated access drive (previous connection to 19<sup>th</sup> Avenue East) on the west side of the property is removed and restored to grass.
5. A landscape plan is provided per City Landscape Standard at the time of permitting.
6. A standard PUD Agreement is received.

There were no comments from the public. The hearing was closed.

Architect Rhet Fiskness, stated that he's available to answer any questions.

Discussion was held regarding parking with the private drive not allowing room for parking. Mr. Fiskness stated that a standard driveway is 22'. The driveway widths for these units at their narrowest point would be 21' 6". He stated that additional parking could be placed in the grass between driveways. Larry stated he'd much rather see a couple visitor spaces.

Commissioner Sheeley made a motion for approval with an additional condition that at least 4 parking spaces be added to the site plan to accommodate overflow. Commissioner Zupi seconded the motion. No opposition. Motion carried.

The next item on the agenda was a special meeting on September 22<sup>nd</sup>. Tim stated there is a request for a commercial building with an RFP deadline. Commissioners indicated there would be enough people for a quorum.

The next item on the agenda was the NDPA Conference in Minot. Larry indicated there were still hotel rooms available if anyone was interested in attending.

Commissioner Johnson made a motion to adjourn. Commissioner Beck seconded the motion. No opposition. Meeting adjourned.